

David J. Molton (admitted *pro hac vice*)

Gerard T. Cicero

**BROWN RUDNICK LLP**

Seven Times Square

New York, New York 10036

Telephone: (212) 209-4800

Facsimile: (212) 209-4801

Email: [dmolton@brownrudnick.com](mailto:dmolton@brownrudnick.com)

Email: [gcicero@brownrudnick.com](mailto:gcicero@brownrudnick.com)

- and -

Thomas Scannell (TX 24070559)

**FOLEY & LARDNER LLP**

2021 McKinney Avenue

Dallas, Texas 75201

Telephone: (214) 999-4289

Email: [tscannell@foley.com](mailto:tscannell@foley.com)

*Counsel for Nobuaki Kobayashi,  
In His Capacities as the Bankruptcy Trustee  
and Foreign Representative and Trustee of the  
Second Civil Rehabilitation Proceeding  
and Foreign Representative of MtGox Co., Ltd.,  
a/k/a MtGox KK*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

MTGOX Co., LTD. (a/k/a MTGOX KK),

Debtor in a Foreign Proceeding.

Chapter 15

Case No. 14-31229-sgj-15

**AMENDED NOTICE PURSUANT TO 11 U.S.C. § 1518 OF CHANGE IN  
STATUS OF FOREIGN PROCEEDING**

Nobuaki Kobayashi, in his capacities as the bankruptcy trustee and foreign representative of MtGox Co., Ltd., a/ka/ MtGox KK (the “Debtor”) and as the trustee of the Second Civil Rehabilitation Proceeding and foreign representative of the Debtor in connection with that proceeding, by and through his United States attorneys, Brown Rudnick LLP and Foley & Lardner

LLP, hereby submits notice, pursuant to 11 U.S.C. § 1518, of a change in (a) the nature of the Debtor's foreign proceeding and (b) confirmation of a Rehabilitation Plan (as defined below) pursuant to the Japanese Civil Rehabilitation Act (*Minji Saisei Ho*) (the "JCRA") in respect of the Debtor.

### **SUBSTANTIAL CHANGE IN THE FOREIGN PROCEEDING**

#### *Confirmation Of The Debtors' Plan Of Rehabilitation*

1. Following entry of the Second Civil Rehabilitation Order appointing Mr. Kobayashi as trustee in respect of such proceeding, creditors had until October 22, 2018 (the "Rehabilitation Claims Deadline") to file proofs of rehabilitation claims in the Second Civil Rehabilitation Proceeding.<sup>1</sup> Mr. Kobayashi provided notice and further instruction to creditors seeking to submit rehabilitation claims after the Rehabilitation Claims Deadline. *See* Ex. A to Oct. 21, 2019 Notice [Docket No. 197]. The Tokyo Court instructed Mr. Kobayashi to conduct a special investigation concerning certain claims filed after the Rehabilitation Claims Deadline. *See* Ex. A to March 3, 2020 Notice [Docket No. 199].

2. Following the conclusion of Mr. Kobayashi's special investigation, a draft rehabilitation plan ("Draft Rehabilitation Plan") was filed with the Tokyo Court on December 15, 2020. On February 22, 2021, the Tokyo Court entered an order setting forth the voting procedures for the Draft Rehabilitation Plan (as subsequently revised). *See* Ex. A to March 2, 2021 Notice [Docket No. 201].

---

<sup>1</sup> Persons are respectfully directed to Section 1518 Notices dated April 28, 2014 [Docket No. 108] and July 2, 2018 [Docket No. 180] (together, the "1518 Notices") for a complete and detailed history of the Debtor's foreign proceedings and this Chapter 15 case. Capitalized terms not defined herein shall have the meaning defined in the 1518 Notices.

3. The Tokyo Court scheduled a creditors' meeting on October 20, 2021 for the resolution of the Draft Rehabilitation Plan.<sup>2</sup> Following the conclusion of the creditors' meeting, the Tokyo Court entered an order confirming the Draft Rehabilitation Plan (the "Confirmation Order"; the Draft Rehabilitation Plan so confirmed now being referred to as the "Confirmed Rehabilitation Plan"), which was approved by large majority of eligible rehabilitation creditors. See Notice of Confirmation Order of Rehabilitation Plan (attached hereto as **Exhibit A**). Pursuant to Mr. Kobayashi's Notice of Confirmation, the Confirmation Order is expected to become final and binding in approximately one month from the Confirmation Order. *Id.* Mr. Kobayashi will then commence making distributions to rehabilitation creditors in accordance with the Confirmed Rehabilitation Plan.

4. Given the entry of the Confirmation Order, Mr. Kobayashi reserves his rights to seek further relief from the Court for entry of an order recognizing and giving full force and effect to the Debtor's Confirmed Rehabilitation Plan within the territorial jurisdiction of the United States.

Dated: November 3, 2021  
Dallas, Texas

Respectfully submitted,

**FOLEY & LARDNER LLP**

/s/ Thomas C. Scannell

Thomas Scannell (TX 24070559)  
2021 McKinney Avenue  
Dallas, Texas 75201  
Telephone: (214) 999-4289  
Email: tscannell@foley.com

- and -

**BROWN RUDNICK LLP**

---

<sup>2</sup> Notice Regarding Creditors' Meeting, Oct. 20, 2021, available at:  
[https://www.mtgox.com/img/pdf/20211012\\_000\\_announcement\\_en.pdf](https://www.mtgox.com/img/pdf/20211012_000_announcement_en.pdf)

David J. Molton (admitted *pro hac vice*)  
Gerard T. Cicero  
Seven Times Square  
New York, New York 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-4801  
Email: [dmolton@brownrudnick.com](mailto:dmolton@brownrudnick.com)  
Email: [gcicero@brownrudnick.com](mailto:gcicero@brownrudnick.com)

*Counsel for Nobuaki Kobayashi,  
In His Capacities as the Bankruptcy Trustee  
and Foreign Representative and Trustee of the  
Second Civil Rehabilitation Proceeding  
and Foreign Representative of MtGox Co.,  
Ltd., a/k/a MtGox KK*